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1	MR. TARLOWE: We'll send them.	1	conspiracy.
2	MR. RUZUMNA: We have them all.	2	MR. TARLOWE: Judge, the issue is how it's charged.
3	THE COURT: Tonight.	3	So they certainly could have charged a scheme to inflate by
4	MR. RUZUMNA: Yes.	4	various means, including but not limited to. They didn't.
5	THE COURT: Tonight. It has to be. I would be	5	THE COURT: But they did.
6	bringing him back this week. I'm not going to bring him back	6	MR. TARLOWE: It says the firm mismarked securities in
7	six weeks into this -- eight weeks into this trial. Then there	7	two ways. That's what the indictment says.
8	is some clarity on that, and you'll tell me tomorrow where we	8	THE COURT: Sure, but they also talk about the
9	are with that.	9	challenges as a precursor to the mismarking in two ways, and
10	Mr. Tarlowe, something else?	10	that's what he's talking about.
11	MR. TARLOWE: Your Honor, just to add to the	11	MR. TARLOWE: It says the challenges evolved to
12	discussion we had this morning about Mr. Nimberg's testimony	12	fraudulent mismarking, meaning the challenges were legitimate.
13	and about whether the scheme that he was testifying about was	13	And then over time, it evolved to fraudulent mismarking.
14	the same scheme, I just want to add to that discussion that the	14	THE COURT: I understand, sir.
15	question on redirect by the government was, you testified on	15	Mr. Rosenberg here?
16	direct and on cross that from about the middle of 2014 to the	16	MR. ROSENBERG: I am, your Honor.
17	middle of 2015, you engaged in a scheme to inflate the net	17	THE COURT: Mr. Rosenberg, I'm not sure you knew that
18	asset value of PPI's hedge funds. Is that correct?	18	I wanted to speak with you, but perhaps you did because you are
19	Yes.	19	here. Mr. Rosenberg, would you come up to the podium.
20	Then the government said: You did that with Mr. Shor?	20	Mr. Rosenberg, you are Mr. Majidi's counsel. Am I not
21	Yes.	21	correct?
22	You did that with Mr. Ahuja?	22	MR. ROSENBERG: I am one of them.
23	Yes. Again, the prejudice that results from that,	23	THE COURT: I appreciate the clarification.
24	perhaps among other things, is the jury is now given the	24	May I just have you go to the podium so I can hear
25	impression that he now has admitted into engaging in the	25	you, sir.
1	charged scheme with Mr. Ahuja, and I don't know think that he	1	MR. ROSENBERG: Is this better?
2	has.	2	THE COURT: It is. Thank you very much.
3	THE COURT: And I don't know that he's not, sir. It's	3	I do not feel the need, sir, to put you under oath. I
4	more than just the challenge issue. I understand your point,	4	appreciate that you're an officer of the court and you're not
5	and your record is made.	5	going to lie to me in response to the questions I'm asking you
6	MR. TARLOWE: I want to give more thought to it, but I	6	today.
7	think in addition to a multiple conspiracy issue, it may be a	7	MR. ROSENBERG: I am not.
8	404(b) issue because if it's not the charged conduct, it's	8	THE COURT: If your colleagues at the bar think
9	404(b).	9	otherwise, they'll let me know, but I'm fine doing this.
10	THE COURT: Or it's inextricably intertwined or	10	Sir, the reason I wanted to speak to you is because
11	background to the conspiracy. I might be making that finding,	11	there's been a suggestion raised by the defendants that your
12	sir, but I understand your point.	12	client's allocution before me was modified or was altered in
13	Mr. Naftalis.	13	response to either government influence or government pressure
14	MR. NAFTALIS: Just to put on the record, we do think	14	or government involvement in the preparation of the allocution.
15	that it's the same scheme. I think they're sort of fighting	15	I did notice, sir, that there was a draft allocution
16	over means and methods. We've got the two means and methods.	16	that was received. I've seen it. Everyone has seen it. And I
17	We understand that, but the scheme is to inflate.	17	also know what was said before me. And there was a difference.
18	We understand your Honor's ruling on one and the two.	18	So I'm wondering, if you could, without getting into
19	We do not think -- the object is to commit securities fraud to	19	privileged communications that you might have had with your
20	inflate the value. The object is to commit wire fraud to	20	client, tell me how that might have happened, if you have a
21	inflate the value.	21	recollection.
22	The object is never charged to push up with two	22	MR. ROSENBERG: My recollection varies as to different
23	challenges and not challenge down. Then we're getting into --	23	parts of this.
24	there would be 50 conspiracies charged here because they're	24	THE COURT: Okay. Do you mean in terms of the
25	sort of different permutations. It is certainly one	25	strength of your recollection?

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1	MR. ROSENBERG: Exactly.	1	MR. ROSENBERG: I spoke with him. I have a very vague
2	THE COURT: Not in terms of the accuracy. Okay, sir.	2	recollection.
3	Let me, please, hear from you.	3	THE COURT: Of course.
4	MR. ROSENBERG: On October 29, my partner, Brian	4	MR. ROSENBERG: Of speaking with him later that day.
5	Linder, prepared an initial draft of the allocution which I	5	THE COURT: To the best of your recollection, whatever
6	reviewed on that day, and ultimately, we settled on a draft.	6	you can recall, I'd be happy to hear.
7	We sent it to the government.	7	MR. ROSENBERG: Well, the topic was certainly the
8	THE COURT: Let me please stop you for a moment, sir.	8	allocution. I've been over this a lot since I knew the Court
9	It's Mr. Linder who did this?	9	was interested in this, and I really would only be guessing at
10	MR. ROSENBERG: Linder, L-i-n-d-e-r.	10	what we talked about.
11	THE COURT: I thought as much. Mr. Linder prepared	11	I've tried to sort it out as best I could, and I
12	the draft.	12	really don't -- there is nothing I would be confident in saying
13	To the best of your knowledge, was that done with the	13	about that conversation. I just don't recall it.
14	assistance or participation of Mr. Majidi? Was he there in the	14	THE COURT: Let me ask this, sir: If you were asked
15	room? If you know.	15	by the government to modify the allocution in a way that you
16	MR. ROSENBERG: I think what I can say, Judge, is that	16	thought was contrary to what your client had said, would you
17	Mr. Majidi was familiar with the draft that we prepared.	17	have done it?
18	THE COURT: "Familiar" in the sense that he read it?	18	MR. ROSENBERG: Absolutely not.
19	MR. ROSENBERG: He was aware of it.	19	THE COURT: Would you remember that conversation?
20	THE COURT: He was aware?	20	MR. ROSENBERG: I would.
21	MR. ROSENBERG: Aware of the details of it.	21	THE COURT: If you were told that the allocution as
22	THE COURT: Aware of the details. All right.	22	drafted was going to result in the termination of the
23	So that draft was then sent to whom, sir?	23	cooperation relationship, would you have remembered that
24	MR. ROSENBERG: It was sent to the government. I	24	conversation?
25	don't remember who was on the email. It would in those days	25	MR. ROSENBERG: Of course.
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1	have been Mr. Naftalis.	1	THE COURT: Why I'm asking the question -- no surprise
2	THE COURT: Okay.	2	here -- is I'm trying to figure out if your conversation was so
3	MR. ROSENBERG: I don't know if anyone else was	3	benign that you can't remember it.
4	included on that email.	4	MR. ROSENBERG: Again, I think it was about details of
5	THE COURT: Sir, I have a recollection that the email	5	the allocution. There was nothing ominous about it. Certainly
6	attachment was titled something to the effect of allocution	6	no one ever suggested that Mr. Majidi allocute to something
7	approved. I think the word "approved" was in it, and I don't	7	that had not already been disclosed as the general theme and
8	actually know who did the approving, whether it was you, sir,	8	facts of his involvement in this matter.
9	or your client or Mr. Linder.	9	THE COURT: Sir, my recollection of one difference
10	MR. ROSENBERG: I saw that. I saw that, and that	10	between the allocution that was sent to Mr. Naftalis and the
11	language has nothing to do with this case, whether Mr. Linder	11	allocution that was given to me, perhaps a day or so later, was
12	started out on some other allocution somewhere or some other	12	the introduction of Mr. Shor's name.
13	document that had that on it, but to the best of my knowledge,	13	I don't know whether that was -- if that is the
14	the notion that it was approved had nothing to do with this	14	product of communications you had with your client, I don't
15	case.	15	want to know about your privileged communications. But if the
16	THE COURT: So, sir, this was sent to Mr. Naftalis or	16	government said to you, in substance, hey, what about Jeremy
17	someone at the government. Maybe we can cut to the heart of	17	Shor, I think I'd like to know that.
18	it.	18	MR. ROSENBERG: It is possible.
19	Mr. Naftalis, it was sent to you. Yes?	19	THE COURT: You have no recollection?
20	MR. NAFTALIS: Yes.	20	MR. ROSENBERG: I have no recollection of it. I think
21	THE COURT: Sir, after it was sent, did you receive	21	it may be appropriate to say that in preparing the draft of the
22	any communications from the government?	22	allocution that we sent to the government, it wasn't meant to
23	MR. ROSENBERG: I received an email from Mr. Naftalis	23	exhaust Mr. Majidi's knowledge of the facts.
24	asking if we could speak.	24	It was a conspiracy was alleged. Our client had to
25	THE COURT: Were you able to speak with him?	25	have conspired with someone. I think we included Mr. Ahuja as

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1 a coconspirator and listed with Mr. Ahuga and others attempting 2 to make it legally sufficient. That would typically be the way 3 we would have prepared an allocution. We wouldn't have gone 4 beyond something of that sort.		1 to the government? 2 MR. ROSENBERG: Yes. 3 THE COURT: Yes, you saw -- 4 MR. ROSENBERG: He either saw it or it was read to 5 him.	
5 THE COURT: Is there a possibility, sir, that -- by 6 the way, I'm describing no nefarious motives to anything. I'm 7 just really trying to understand what happened. 8 After you had the discussions with Mr. Naftalis, did 9 you have additional discussions with either Mr. Linder or with 10 your client about the allocution?		6 THE COURT: One moment, please. Excuse me. 7 I'm going to ask the question again. I'm not sure I'm 8 going to be more successful this time. 9 Would Mr. Majidi have changed that language on his 10 own?	
11 MR. ROSENBERG: I don't recall specific conversations 12 with Mr. Linder, but I'm sure I had them. 13 THE COURT: I'll try it this way: Would you agree 14 with me, sir, that there is a difference between the approved 15 allocution that was sent to the government and the words that 16 were said by your client before me at the actual guilty plea?		11 MR. ROSENBERG: He would not. 12 THE COURT: He would have changed it based on 13 discussions with you? No. The language would have been 14 changed because of discussions that he had with you? 15 MR. ROSENBERG: If you're talking about the changes 16 that occurred between the draft that was sent to the government 17 and the allocution that was read?	
17 MR. ROSENBERG: There is. 18 THE COURT: Can you attribute the alterations between 19 the two allocutions to conversations with the government as 20 distinguished from conversations that you had with your 21 colleagues, conversations that you had with your client?		18 THE COURT: Yes, sir. 19 MR. ROSENBERG: He was not involved in anything that 20 led to those changes. 21 THE COURT: "He was not involved in anything that led 22 to those changes." That suggests to me that changes between 23 the two allocutions were the product of your discussions with 24 the government.	
22 MR. ROSENBERG: It's hard for me to answer it in quite 23 that way. Maybe I can approach it differently. 24 THE COURT: Of course. 25 MR. ROSENBERG: I have no recollection of preparing		25 MR. ROSENBERG: Again --	
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1 myself the allocution that Mr. Majidi delivered to you. 2 THE COURT: Was Mr. Majidi reading from notes when he 3 spoke with me? 4 MR. ROSENBERG: He was. 5 THE COURT: Did he read them word for word? 6 MR. ROSENBERG: He did. 7 THE COURT: He did. All right. There were a few 8 things missing as you'll recall. We had to talk about the 9 wires. I think there were follow-up questions about the wires. 10 MR. ROSENBERG: I'm sorry. I don't recall that. 11 THE COURT: That's fine. 12 Sir, the allocution that I'm calling the approved 13 allocution, the one that was transmitted to the government -- 14 your client was aware of the fact of its transmission to the 15 government? 16 MR. ROSENBERG: Yes. 17 THE COURT: Was he aware of what actually was 18 transmitted to the government? 19 MR. ROSENBERG: To the extent that he would have been 20 told that what he was aware of was being sent to the 21 government. 22 THE COURT: Was he copied on the transmittal, sir, or 23 b.c.c.'d on the transmittal, sir? If you know. 24 MR. ROSENBERG: I don't believe so. 25 THE COURT: Did you review the document before it went		1 THE COURT: If you know. 2 MR. ROSENBERG: It would have to be the case. I don't 3 have a recollection of that conversation. 4 THE COURT: The document that you sent to the 5 government, the approved allocution -- is it consistent with 6 what your client said in proffer sessions with the government? 7 MR. ROSENBERG: It is. 8 THE COURT: Is it accurate? 9 MR. ROSENBERG: It is. 10 THE COURT: Based on what your client said? 11 MR. ROSENBERG: It is. 12 THE COURT: I'm making no findings as to his 13 credibility. 14 MR. ROSENBERG: It is. 15 THE COURT: What he said before me at the plea 16 proceeding -- was that also in accordance with the statements 17 he had made to the government in his proffer sessions? 18 MR. ROSENBERG: It was. 19 THE COURT: Was it accurate to the best of your 20 understanding? 21 MR. ROSENBERG: It was. 22 THE COURT: Did you feel in any way compelled, 23 pressured, encouraged, influenced by government to change the 24 language of the allocution? I'll go through each of those 25 verbs, and I'll add some more if you'd like. I'll start with	

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1 the easiest.		1 that I think as well should be asked, I'll ask that. Just give	
2 Were you forced by the government to change the		2 us a moment, please. Thank you, sir.	
3 allocution?		3 MR. ROSENBERG: Of course.	
4 MR. ROSENBERG: No.		4 (Continued on next page)	
5 THE COURT: Were you pressured by the government to		5	
6 change the allocution?		6	
7 MR. ROSENBERG: No.		7	
8 THE COURT: Were you in fear of retribution from the		8	
9 government if you didn't change the allocution?		9	
10 MR. ROSENBERG: No.		10	
11 THE COURT: Were you encouraged by the government to		11	
12 change the allocution?		12	
13 MR. ROSENBERG: As best I can figure it out, I think		13	
14 the government thought that the allocution -- there's a vague		14	
15 recollection that they thought it was too specific in the		15	
16 introductory part, and I can only conclude that there was some		16	
17 issue having to do with the inclusion of Mr. Shor's name.		17	
18 THE COURT: One moment, please. I just want to see		18	
19 that.		19	
20 You're saying you can only conclude. I only want to		20	
21 know what you can recall. Please don't be estimating or		21	
22 guessing.		22	
23 MR. ROSENBERG: No. I'm trying to be very specific		23	
24 about my recollection.		24	
25 THE COURT: I appreciate that, sir. Thank you.		25	
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1 So what is the best of your recollection as you stand		1 (At sidebar)	
2 before me now?		2 THE COURT: Okay. Is there any question that I	
3 MR. ROSENBERG: I have a very, very, very vague		3 haven't asked yet that you think should be asked?	
4 recollection of the initial part of our draft or what was		4 Mr. Ruzumna.	
5 submitted to them being overly complicated or overly specific		5 MR. RUZUMNA: I would just like to ask for a	
6 or whatever.		6 clarification, would you have changed the proposed allocution	
7 THE COURT: Not that it was incorrect?		7 but for your conversation with the government.	
8 MR. ROSENBERG: No. No. No. No.		8 MR. FINZI: I'd ask, Judge, it's clear that something	
9 THE COURT: But that it was too detailed?		9 mechanically happened between what was sent to the government	
10 MR. ROSENBERG: Yes. Something along those lines.		10 and what was done. So something was typed up. Some minutes	
11 THE COURT: Did you ever hear the expression "hit the		11 were made. I wonder on that front who made those changes or	
12 elements"?		12 what he recalled about those changes made.	
13 MR. ROSENBERG: Sure.		13 I'd also ask if there are any notes, separate from	
14 THE COURT: Is that something you recall in the		14 privilege, in emails of a conversation so we can reconstruct	
15 context of this conversation?		15 what happened between what we're calling the approved version	
16 MR. ROSENBERG: No. I don't recall this conversation		16 and the one delivered. Clearly changes were made.	
17 in anything like that detail. I'm trying to make clear.		17 MR. RUZUMNA: The same point. Does he recall how that	
18 THE COURT: I know, and I'm trying to get you to		18 script that was read, who prepared that.	
19 remember more of it.		19 THE COURT: I understand. Thank you.	
20 MR. ROSENBERG: I'm not holding back. I'm trying to		20 (Continued on next page)	
21 get it right.		21	
22 THE COURT: That's all I can ask for, sir.		22	
23 Let me do this. I'm going to ask you to just stay		23	
24 there for a second. I want to just talk to counsel at sidebar.		24	
25 If there is some question that they think I should have asked		25	

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1 (In open court)		1 MR. ROSENBERG: We've done -- I've had people more	
2 THE COURT: Sir, first of all, I do appreciate your		2 capable than I do a thorough search of our system.	
3 patience. Second of all, I appreciate that this may be a		3 THE COURT: And those same very capable people did not	
4 strange position to be in, to be questioned in this regard		4 find any emails from the government attaching a proposed	
5 about this matter. Just a few follow-up questions based on		5 allocution; correct?	
6 what we've talked about this afternoon.		6 MR. ROSENBERG: Correct, your Honor.	
7 Had you sent this allocution, had there been no		7 THE COURT: And had you had a document of that type or	
8 response to your email to Mr. Naftalis, was it your		8 emails of that type, may I expect that you would have saved	
9 contemplation that your client would have read at his plea		9 them somewhere on your system?	
10 allocution the very thing that you sent?		10 MR. ROSENBERG: That would ordinarily be the case.	
11 MR. ROSENBERG: Yes, your Honor.		11 THE COURT: And no such emails were found?	
12 THE COURT: And so would you have changed the		12 MR. ROSENBERG: That's correct.	
13 allocution absent your conversation with the government?		13 THE COURT: So on the Clayman & Rosenberg side of the	
14 MR. ROSENBERG: No, your Honor.		14 house, it would have been you or Mr. Linder who made the	
15 THE COURT: You had no plans of talking about it the		15 changes?	
16 next day with any of your co-counsel or with your client?		16 MR. ROSENBERG: It would have been. I can't think --	
17 MR. ROSENBERG: No, your Honor.		17 no. There is no one else who would have been involved in a way	
18 THE COURT: I believe you said to me earlier that your		18 such that they would have made the changes. As I said, neither	
19 client did in fact read from notes, written notes.		19 of us recalls doing that.	
20 MR. ROSENBERG: Yes, your Honor.		20 THE COURT: And you'll excuse me if this is too	
21 THE COURT: And those notes I think you'd agree with		21 fundamental.	
22 me, sir, are different from what was initially sent to		22 Mr. Majidi himself would not have been asked to make	
23 Mr. Naftalis.		23 those changes?	
24 MR. ROSENBERG: That is the case.		24 MR. ROSENBERG: No.	
25 THE COURT: Somehow someone had to do the editing, and		25 THE COURT: But I think you've anticipated one of my	
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1 I don't know whether it was you or a colleague or Mr. Majidi or		1 final questions, which is: I know that materials were	
2 something else. I don't know how it came to be that the edits		2 produced. I know that the draft allocution was produced with	
3 were entered.		3 the transmittal letter.	
4 Do you recall, sir?		4 To the extent that you or your firm had anything else	
5 MR. ROSENBERG: I believe I said to your Honor that I		5 responsive to this issue that was not privileged, has it been	
6 don't recall making any changes.		6 produced?	
7 THE COURT: That's exactly right. You did say that.		7 MR. ROSENBERG: Yes.	
8 So would Mr. Linder have?		8 THE COURT: I'll let you decide whether you want to	
9 MR. ROSENBERG: I believe Mr. Linder would tell you		9 answer this or not.	
10 the same thing.		10 Do you have privileged materials, sir, regarding all	
11 THE COURT: Okay. Who are the people who could have		11 of this?	
12 touched the document?		12 MR. ROSENBERG: No.	
13 MR. ROSENBERG: I think it was between us and the		13 THE COURT: Do you have --	
14 government.		14 MR. ROSENBERG: Let me say this. I haven't thought	
15 THE COURT: You think the government might have sent		15 about that in detail, but my instinct is to say no.	
16 you something? An edited allocution?		16 THE COURT: Would you have taken notes of your	
17 MR. ROSENBERG: I'm sure that if they had, you would		17 conversation with Mr. Naftalis?	
18 have it because we would have produced it in the course of		18 MR. ROSENBERG: No. I don't believe I would have.	
19 this.		19 THE COURT: Okay. If you had, would you have produced	
20 THE COURT: Right. Of course.		20 them in connection with the inquiry that was made here?	
21 MR. ROSENBERG: We don't have it in our system. We		21 MR. ROSENBERG: Of course.	
22 don't have the document that Mr. Majidi read in our system.		22 THE COURT: Sir, I believe that's all I have to ask	
23 THE COURT: It's not in your system?		23 you. I really do thank you for giving me insight I did not	
24 MR. ROSENBERG: No.		24 have.	
25 THE COURT: Okay.		25 MR. FINZI: Judge, can I raise one other thing at	

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1 sidebar?		1 you.	
2 MR. RUZUMNA: I have a question too, your Honor.		2 MR. RUZUMNA: In light of the testimony -- not the	
3 MR. ROSENBERG: Judge, I can just step out.		3 testimony.	
4 THE COURT: You are very gracious to do that. Thank		4 THE COURT: The statements. Yes.	
5 you very much. We'll come and get you momentarily. Thank you.		5 MR. RUZUMNA: -- from Mr. Rosenberg, it does sound	
6 (Mr. Rosenberg not present)		6 like the draft allocution, what your Honor referred to as the	
7 THE COURT: Mr. Ruzumna.		7 "approved allocution" was intended to be read into the record.	
8 MR. RUZUMNA: I think we need to ask a question does		8 It would have been a sworn statement. It was understood as	
9 he recall receiving something on the day of the plea allocution		9 such.	
10 or the day before by means other than email.		10 We certainly would like to use that with respect to	
11 THE COURT: Okay. And then I think this has to end		11 Mr. Majidi in his cross. So we would ask that that be	
12 because I think we're exhausting his memory.		12 permitted to be used as affirmative evidence. We do not have	
13 Mr. Finzi.		13 to get into this incident with -- I won't call it an	
14 MR. FINZI: Nothing more.		14 "incident."	
15 THE COURT: Did you have the same question?		15 THE COURT: It's not an "incident," sir.	
16 MR. FINZI: Yes.		16 MR. RUZUMNA: We don't have to get into the	
17 THE COURT: Great minds thinking alike.		17 back-and-forth with the government at all, but we do think that	
18 Thank you very much. If you could please bring in		18 that statement is the equivalent of what Mr. Majidi would have	
19 Mr. Rosenberg.		19 said in his sworn plea allocution.	
20 (Mr. Rosenberg present)		20 We'd like to use it as such because it does have	
21 THE COURT: Sir, thank you very much. Just questions		21 relevance to my client. And as your Honor has, I believe,	
22 that I overlooked asking.		22 noted, it's significantly different in certain respects.	
23 After your communication with Mr. Naftalis -- that was		23 THE COURT: I did issue an order on this previously.	
24 in an afternoon or an evening, sir? The conversation.		24 I'm going to look at my order. I presume you're renewing all	
25 MR. ROSENBERG: I believe the email said after 4:30.		25 of the arguments that you've made, and I suppose if you want to	
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1 So I assume it was in the afternoon, late afternoon or evening.		1 talk about them, I fear we will not be done with Mr. Majidi	
2 THE COURT: That evening, did you receive anything		2 tomorrow.	
3 from Mr. Naftalis by any means other than email? Text, phone		3 MR. RUZUMNA: We certainly are not.	
4 call, personal delivery, anything of that nature, sir.		4 THE COURT: If you want to reflect tonight and talk to	
5 MR. ROSENBERG: I don't know. I certainly can't rule		5 me tomorrow afternoon, that's fine. I have the baseline -- I'm	
6 that out. I simply don't have a recollection of it. It's		6 calling it that for lack of a better term -- of an order that I	
7 entirely possible.		7 previously issued on this point, but I want to think about it	
8 THE COURT: Would you remember it if you did? I guess		8 some more.	
9 not. You say you don't know.		9 MR. RUZUMNA: I think the order does address these	
10 MR. ROSENBERG: No. I don't think I would.		10 issues. I think we now have the benefit of additional	
11 THE COURT: On the day of the plea, on the day of the		11 information.	
12 plea, did you receive anything from the government by any means		12 THE COURT: That's fine. I understand that. Exactly.	
13 other than email?		13 I want to address that, and I want to give the government the	
14 MR. ROSENBERG: I don't have a recollection of that.		14 same opportunity, and that's by the end of the day tomorrow to	
15 THE COURT: Okay. Just so that I'm clear, your files,		15 communicate that. If you'd like to give them to me in writing,	
16 your firm's files currently, do not have a copy of the final		16 I won't stop you. But I imagine you have other things like	
17 allocution?		17 shortening up your examinations. Yes.	
18 MR. ROSENBERG: That's what I understand.		18 MR. NICHOLAS: Your Honor, we're happy to address it	
19 THE COURT: All right. Thank you, sir. Those are all		19 orally tomorrow. We do disagree with Mr. Ruzumna in terms of	
20 the questions I have for you, sir. Thank you very much.		20 whether the Court's order needs to be revisited based on	
21 I don't know that there is anything else to discuss		21 Mr. Rosenberg's statements, but we can address it tomorrow. No	
22 this evening. Perhaps you want to think about it.		22 need to go into it right now.	
23 MR. RUZUMNA: Your Honor, I think we can talk about it		23 THE COURT: While I have you standing, sir, did the	
24 tomorrow.		24 government send anything to Mr. Rosenberg?	
25 THE COURT: Closer to a microphone, please. Thank		25 MR. NICHOLAS: Your Honor, I have no recollection of	

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1 that.	
2 MR. NAFTALIS: No.	
3 MR. NICHOLAS: I do just want to make clear -- this is	
4 just me speaking -- I don't think there would be anything	
5 improper -- I don't think there is anything improper about	
6 discussing with a defense lawyer an allocution.	
7 THE COURT: Sir, I'm not suggesting there is.	
8 MR. NICHOLAS: Okay.	
9 THE COURT: A thing that is different now in this	
10 minute than there was before I spoke with Mr. Majidi's counsel	
11 is that Mr. Naftalis had a recollection -- I won't say a	
12 "strong recollection," but a recollection of a conversation,	
13 and did not recall -- I wouldn't expect him to recall --	
14 transmitting anything.	
15 And Mr. Rosenberg suggested that maybe there was a	
16 possibility that the government handled the edits. So I'm	
17 allowed to ask whether they handled the edits, and I'm being	
18 told they didn't.	
19 MR. NICHOLAS: Of course. I don't mean to kind of put	
20 restrictions on the Court's inquiry, not that I even could. I	
21 just want to make clear that I think the area that's being	
22 examined is not, to use someone else's word, "nefarious."	
23 THE COURT: The word is mine. By using it, I wasn't	
24 suggesting it either. I have a better understanding of what	
25 happened. I want the parties to think about whether they want	
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1 to make additional arguments to me about what happened or	
2 whether they want to stand on what has been said previously,	
3 and I'll decide.	
4 MR. NICHOLAS: Thank you, Judge.	
5 THE COURT: Anything else from anyone?	
6 MR. FINZI: No, your Honor.	
7 THE COURT: Thank you all very much.	
8 (Adjourned)	
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	GOVERNMENT EXHIBITS
9 Exhibit No.	Received
10 377 . . . . .	1959
11 445 . . . . .	2005
12 446 . . . . .	2020
13 447 . . . . .	2019
14 870-L . . . . .	1925
15 870-O . . . . .	1952
	DEFENDANT EXHIBITS
17 Exhibit No.	Received
18 1119 . . . . .	1881
19 7179 . . . . .	1868
20 7186 . . . . .	1877
21 7191 . . . . .	1870
22 7191A . . . . .	1873
23 7334 . . . . .	1875
24 7501 . . . . .	1943
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